

GP 643



STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

ATTORNEYS AT LAW

1100 NEW YORK AVENUE, N.W., SUITE 600
WASHINGTON, D.C. 20005-3934

www.skgf.com

PHONE: (202) 371-2600 FACSIMILE: (202) 371-2540

ROBERT GREENE STERNE
EDWARD J. KESSLER
JORGE A. GOLDSTEIN
SAMUEL L. FOX
DAVID K.S. CORNWELL
ROBERT W. ESMOND
TRACY-GENE G. DURKIN
MICHELE A. CIMBALA
MICHAEL B. RAY
ROBERT E. SOKOHL
ERIC K. STEFFE
MICHAEL O. LEE

STEVEN R. LUDWIG
JOHN M. COVERT*
LINDA E. ALCORN
RAZ E. FLESHNER
ROBERT C. MILLONIG
MICHAEL V. MESSINGER
JUDITH U. KIM
TIMOTHY J. SHEA, JR.
DONALD R. MCPHAIL
PATRICK E. GARRETT
STEPHEN G. WHITESIDE
JEFFREY T. HELVEY*

HEIDI L. KRAUS
JEFFREY R. KURIN
RAYMOND MILLIEN
PATRICK D. O'BRIEN
LAWRENCE B. BUGAISKY
CRYSTAL D. SAYLES*
EDWARD W. YEE
ALBERT L. FERRO*
DONALD R. BANOWIT
PETER A. JACKMAN
MOLLY A. McCALL
TERESA U. MEDLER

JEFFREY S. WEAVER
KRISTIN K. VIDOVICH
KENDRICK P. PATTERSON
DONALD J. FEATHERSTONE
GRANT E. REED
VINCENT L. CAPUANO
JOHN A. HARROUN*
MATTHEW M. CATLETT*
NATHAN K. KELLEY*
ALBERT J. FASULO II*
W. BRIAN EDGE*

KAREN R. MARKOWICZ**
SUZANNE E. ZISKA**
BRIAN J. DEL BUONO**
ANDREA J. KAMAGE**
NANCY J. LEITH**
TARJA H. NAUKKARINEN**

*BAR OTHER THAN D.C.
**REGISTERED PATENT AGENTS

May 25, 2000

WRITER'S DIRECT NUMBER:
(202) 371-2653

Commissioner for Patents
Washington, D.C. 20231

Re: U.S. Utility Patent Application
Appl. No. 09/229,173; Filed: January 13, 1999
For: **Cloned DNA Polymerases from *Thermotoga maritima* and
Mutants Thereof**
Inventor: Deb K. CHATTERJEE
Our Ref: 0942.2800008/RWE/RCM

TC 1600 MAIL ROOM
MAY 31 2000
RECEIVED

Sir:

Transmitted herewith for appropriate action are the following documents:

1. PTO Fee Transmittal Form PTO/SB/17 (*in duplicate*);
2. Information Disclosure Statement (*in duplicate*);
3. PTO Form-1449 and copy of one (1) document cited therein;
4. Our Check 27460 for \$240.00 to cover: IDS Late Filing Surcharge; and
5. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents
May 25, 2000
Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this letter is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Robert C. Millonig
Attorney for Applicant
Registration No. 34,395

RCM:bac
Enclosures

P:\USERS\BOBM\0942\2800008\ids-pto-trans

<i>O/A</i>		Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.													
FEE TRANSMITTAL for FY 2000		Complete if Known													
<p><i>MAY 2 5 2000 JC91</i></p> <p>Patent fees are subject to annual revision. Small Entity payments must be supported by a small entity statement, otherwise large entity fees must be paid. See Forms PTO/SB/09-12. See 37 C.F.R. §§ 1.27 and 1.28.</p>		<table border="1"> <tr> <td>Application Number</td> <td>09/229,173</td> </tr> <tr> <td>Filing Date</td> <td>January 13, 1999</td> </tr> <tr> <td>First Named Inventor</td> <td>Deb K. CHATTERJEE</td> </tr> <tr> <td>Examiner Name</td> <td>To be assigned</td> </tr> <tr> <td>Group / Art Unit</td> <td>1643</td> </tr> <tr> <td>Attorney Docket Number</td> <td>0942.2800008/RWE/RCM</td> </tr> </table>		Application Number	09/229,173	Filing Date	January 13, 1999	First Named Inventor	Deb K. CHATTERJEE	Examiner Name	To be assigned	Group / Art Unit	1643	Attorney Docket Number	0942.2800008/RWE/RCM
Application Number	09/229,173														
Filing Date	January 13, 1999														
First Named Inventor	Deb K. CHATTERJEE														
Examiner Name	To be assigned														
Group / Art Unit	1643														
Attorney Docket Number	0942.2800008/RWE/RCM														
TOTAL AMOUNT OF PAYMENT	(\$240.00)														

METHOD OF PAYMENT (check one)		FEE CALCULATION (continued)																																																																																																																																																																																		
<p>1. <input type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to:</p> <p>Deposit Account Number 19-0036 Deposit Account Name Sterne, Kessler, Goldstein & Fox P.L.L.C.</p> <p><input type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17</p>		<p>3. ADDITIONAL FEES</p> <table border="1"> <thead> <tr> <th>Large Fee Code</th> <th>Entity Fee (\$)</th> <th>Small Fee Code</th> <th>Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td>For filing a request for reexamination</td><td></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>116</td><td>380</td><td>216</td><td>190</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>117</td><td>870</td><td>217</td><td>435</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>118</td><td>1,360</td><td>218</td><td>680</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>128</td><td>1,850</td><td>228</td><td>925</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>119</td><td>300</td><td>219</td><td>150</td><td>Notice of Appeal</td><td></td></tr> <tr><td>120</td><td>300</td><td>220</td><td>150</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>121</td><td>260</td><td>221</td><td>130</td><td>Request for oral hearing</td><td></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td>Petition to revive - unavocable</td><td></td></tr> <tr><td>141</td><td>1,210</td><td>241</td><td>605</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>142</td><td>1,210</td><td>242</td><td>605</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>143</td><td>430</td><td>243</td><td>215</td><td>Design issue fee</td><td></td></tr> <tr><td>144</td><td>580</td><td>244</td><td>290</td><td>Plant issue fee</td><td></td></tr> <tr><td>122</td><td>130</td><td>122</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>123</td><td>50</td><td>123</td><td>50</td><td>Petitions related to provisional applications</td><td></td></tr> <tr><td>126</td><td>240</td><td>126</td><td>240</td><td>Submission of Information Disclosure Stmt</td><td>240.00</td></tr> <tr><td>581</td><td>40</td><td>581</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>146</td><td>760</td><td>246</td><td>380</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td></td></tr> <tr><td>149</td><td>760</td><td>249</td><td>380</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td></td></tr> <tr> <td colspan="5">Other fee (specify): Other fee (specify): *Reduced by Basic Filing Fee Paid</td> <td></td> </tr> <tr> <td colspan="5">SUBTOTAL (3) (\$)</td> <td>240.00</td> </tr> </tbody> </table>					Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid	105	130	205	65	Surcharge - late filing fee or oath		127	50	227	25	Surcharge - late provisional filing fee or cover sheet		139	130	139	130	Non-English specification		147	2,520	147	2,520	For filing a request for reexamination		112	920*	112	920*	Requesting publication of SIR prior to Examiner action		113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action		115	110	215	55	Extension for reply within first month		116	380	216	190	Extension for reply within second month		117	870	217	435	Extension for reply within third month		118	1,360	218	680	Extension for reply within fourth month		128	1,850	228	925	Extension for reply within fifth month		119	300	219	150	Notice of Appeal		120	300	220	150	Filing a brief in support of an appeal		121	260	221	130	Request for oral hearing		138	1,510	138	1,510	Petition to institute a public use proceeding		140	110	240	55	Petition to revive - unavocable		141	1,210	241	605	Petition to revive - unintentional		142	1,210	242	605	Utility issue fee (or reissue)		143	430	243	215	Design issue fee		144	580	244	290	Plant issue fee		122	130	122	130	Petitions to the Commissioner		123	50	123	50	Petitions related to provisional applications		126	240	126	240	Submission of Information Disclosure Stmt	240.00	581	40	581	40	Recording each patent assignment per property (times number of properties)		146	760	246	380	Filing a submission after final rejection (37 CFR 1.129(a))		149	760	249	380	For each additional invention to be examined (37 CFR 1.129(b))		Other fee (specify): Other fee (specify): *Reduced by Basic Filing Fee Paid						SUBTOTAL (3) (\$)					240.00
Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid																																																																																																																																																																															
105	130	205	65	Surcharge - late filing fee or oath																																																																																																																																																																																
127	50	227	25	Surcharge - late provisional filing fee or cover sheet																																																																																																																																																																																
139	130	139	130	Non-English specification																																																																																																																																																																																
147	2,520	147	2,520	For filing a request for reexamination																																																																																																																																																																																
112	920*	112	920*	Requesting publication of SIR prior to Examiner action																																																																																																																																																																																
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action																																																																																																																																																																																
115	110	215	55	Extension for reply within first month																																																																																																																																																																																
116	380	216	190	Extension for reply within second month																																																																																																																																																																																
117	870	217	435	Extension for reply within third month																																																																																																																																																																																
118	1,360	218	680	Extension for reply within fourth month																																																																																																																																																																																
128	1,850	228	925	Extension for reply within fifth month																																																																																																																																																																																
119	300	219	150	Notice of Appeal																																																																																																																																																																																
120	300	220	150	Filing a brief in support of an appeal																																																																																																																																																																																
121	260	221	130	Request for oral hearing																																																																																																																																																																																
138	1,510	138	1,510	Petition to institute a public use proceeding																																																																																																																																																																																
140	110	240	55	Petition to revive - unavocable																																																																																																																																																																																
141	1,210	241	605	Petition to revive - unintentional																																																																																																																																																																																
142	1,210	242	605	Utility issue fee (or reissue)																																																																																																																																																																																
143	430	243	215	Design issue fee																																																																																																																																																																																
144	580	244	290	Plant issue fee																																																																																																																																																																																
122	130	122	130	Petitions to the Commissioner																																																																																																																																																																																
123	50	123	50	Petitions related to provisional applications																																																																																																																																																																																
126	240	126	240	Submission of Information Disclosure Stmt	240.00																																																																																																																																																																															
581	40	581	40	Recording each patent assignment per property (times number of properties)																																																																																																																																																																																
146	760	246	380	Filing a submission after final rejection (37 CFR 1.129(a))																																																																																																																																																																																
149	760	249	380	For each additional invention to be examined (37 CFR 1.129(b))																																																																																																																																																																																
Other fee (specify): Other fee (specify): *Reduced by Basic Filing Fee Paid																																																																																																																																																																																				
SUBTOTAL (3) (\$)					240.00																																																																																																																																																																															
SUBMITTED BY		Complete (if applicable)																																																																																																																																																																																		
Type or Printed Name	Robert E. Millonig				Reg. Number	34,395																																																																																																																																																																														
Signature	<i>Robert E. Millonig</i>		Date	5/5/00		Deposit Acct. User ID																																																																																																																																																																														

WARNING:
Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Deb K. CHATTERJEE

Appl. No. 09/229,173

Filed: January 13, 1999

Art Unit: 1643

Examiner: To be assigned

Atty. Docket: 0942.2800008

For: **Cloned DNA Polymerases From *Thermotoga maritima* and Mutants Thereof**

Information Disclosure Statement

Commissioner for Patents
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not

exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that was cited or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. 1138 OG 37, 38 (May 19, 1992).

Applicants have checked the appropriate boxes below.

- 1. This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No statement or fee is required.
- 2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.
 - a. I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
 - b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
 - c. Attached is our Check No. 27460 in the amount of \$240.00 in payment of the fee under 37 C.F.R. § 1.17(p).
- 3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. A separate Petition to the Group Director, requesting consideration of this Information Disclosure Statement, is concurrently submitted herewith, along with our Check No. _____ in the amount of \$ _____ in payment of the fee under 37 C.F.R. § 1.17(i).

- a. I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
- b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
4. The document(s) was/were cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report that indicates the degree of relevance found by the foreign office is provided in satisfaction of the requirement for a concise explanation of relevance.
1138 OG 37, 38.
5. A concise explanation of the relevance of the non-English language document(s) appears below:
6. The Examiner's attention is directed to co-pending U.S. Patent Application No. _____, filed _____, which is directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.
7. Copies of the documents were cited by or submitted to the Office in Application No. _____, filed _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this pleading is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Robert C. Millonig
Attorney for Applicant
Registration No. 34,395

Date: May 25, 2000

1100 New York Avenue, N.W.
Suite 600
Washington, D.C. 20005-3934
(202) 371-2600

P:\USERS\BOBM\0942\2800008\ids